

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

TIMOTHY LAVELL ROBERTS, )  
#01629756, )  
Petitioner, )  
 )  
vs. ) No. 3:23-CV-0639-K-BH  
 )  
DIRECTOR, Texas Department )  
of Criminal Justice, Correctional )  
Institutions Division, )  
Respondent. )

ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the Court is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, the petitioner's payment of the filing fee in this action, posted on November 27, 2023, is liberally construed as a motion seeking relief from judgment under Federal Rule of Civil Procedure 60(b) and **GRANTED**, and the judgment dismissing this case without prejudice under Federal Rule of Civil Procedure 41(b) is **VACATED**.

By separate judgment, the *Amended Petition for a Writ of Habeas Corpus by a Person in State Custody*, received on April 14, 2023 (doc. 6), will be **DENIED** with prejudice as barred by the statute of limitations.

**SO ORDERED.**

Signed January 3<sup>rd</sup>, 2024.

Ed Kinkeade  
ED KINKEADE  
UNITED STATES DISTRICT JUDGE